



# Reduction in Force

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A reduction in force is the elimination of a position because of a change in a University program, department reorganization, budgetary restriction, or the expiration of a grant or contract. An employee may not be terminated for disciplinary reasons under this policy. A proposed reduction in force is reviewed by the appropriate dean's or director's office as well as by the campus Human Resources Manager to be sure the reduction is fair and implemented within University policy. The reduction in force policy, including notice of reduction in force, does not apply to temporary lay-offs. Rehired former employees will be eligible for reduction in force benefits, including six weeks notice and severance pay as of the date of rehire. For reduction in force benefits full or partial years of service will be based on years of service beginning with the date of rehire.

Employees covered by this policy are regular employees who work an average of 17.5 hours per week or more. Special provisions apply to employees working under externally funded grants or contracts and to employees who have worked for the University for ten years or more. These provisions are outlined below.

## Notice of Reduction in Force

An employee whose position is being eliminated must receive at least six weeks written notice of the action. The employee will be contacted by an Human Resources Representative who will explain the policy and assist the employee in applying for other positions.

## Consideration for Other Employment

An employee whose position has been eliminated will receive primary consideration for positions in the University for which she/he is qualified at the same or a similar level. Primary consideration means that as an individual covered under this policy applies for a job opening, he/she will be guaranteed an interview by a Human Resources Representative. If the qualifications of the individual are an appropriate match with the position requirements, a referral to the hiring supervisor may be made. This is in effect for one full year from the date the reduction in force takes effect.

If the reduction is due to the University's purchase of the services of an outside contractor, the new supplier will be encouraged to employ individuals affected.

## Termination Salary

If another suitable position is not found, the employee will receive one week of salary for each full or partial year of service, with a minimum of two and a maximum of 16 weeks. Also, unused vacation time accrued up to the day of termination will be paid.

An employee who has received notice of a reduction in force may leave the University without advance notice. For the purposes of salary and record keeping, the date of departure will then become the termination date.

If the employee is offered a similar job within the University or with a subcontractor or lessee of the University, she/he will not receive severance pay. Also she/he will not be entitled to benefits under this policy. A similar job is defined as one at or near the same salary and level of responsibility with responsibilities in keeping with the employee's qualifications.

## **Employees Under Grants or Contracts**

Persons employed under grants or contracts are not eligible for severance but are covered by the remainder of the policy.

## **Review Procedure for Long-term Service Employees**

The University has established a policy that long-term service employees may request a review at the highest level of the administration whenever a position held by a long-term service employee is eliminated due to a reduction in the work force, unless such a reduction results from the expiration of a grant or contract.

For purposes of this procedure, a long-term service employee is defined as a non-exempt who has had ten years or more of continuous service at Tufts.

Prior to requesting a formal review under the procedures outlined below, you should discuss with your supervisor and the Human Resources Manager whether comparable jobs are available within the University. If the outcome of these discussions is not satisfactory to you, you may pursue the two-step review procedure which follows:

### **Step I**

In order to ensure prompt consideration by the University, within ten calendar days after you receive written notification that your position is subject to a reduction in force, submit a statement in writing of your reasons for requesting formal review of the decision to eliminate your position to the Executive Vice President.

Your written request will then be reviewed and investigated by the Long-Term Service Employee Reduction in Force Committee. At the present time, the Committee includes the Executive Vice President, the Provost, and a third member of the administration or faculty who is appointed by the President. The Committee will review the decision to eliminate your position to determine that it is not arbitrary. The Committee will also consider whether practical alternatives to termination of your employment with the University can be found by providing you with additional training, or by finding you a comparable position within the University. As part of its investigation, the Committee may request a personal meeting with you to obtain additional information.

Within 15 calendar days after the Committee receives your written request for review, the Committee will notify you in writing of its decision. If the Committee requires additional time in order to complete its investigation, the Committee may extend the 15-day period.

### **Step II**



If the decision by the Long-Term Service Employee Reduction in Force Committee is not satisfactory to you, you may request the President to make a final review of the decision. If you choose to do so, within five calendar days after you receive the decision from the Committee, submit a written statement requesting a review of the Committee's decision to the President. The President will review the Committee's decision and will notify you in writing of her/his conclusion.

## **Rehire**

Employees who leave the University in good standing will be eligible for rehire. Past performance will be considered when a former employee applies for rehire.

If you are rehired within one year of your departure date, you will retain your original hire date for the purpose of vacation accrual, retirement vesting, and other seniority issues except reduction in force benefits. Certain benefits policy stipulations may override this rehire policy.

A rehired employee will still be subject to probationary period in his/her new job and will not carry over any sick, vacation, or personal days from prior employment at the University.

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**REDUCTION IN INSTRUCTIONAL STAFF WORK FORCE**

When the Board finds it necessary to reduce the number of certified full-time and/or part-time positions for reasons of declining enrollments, budget reduction, change in or consolidation of Board-authorized programs, or for any other reason determined necessary or desirable by the Board, the following reduction-in-force policy will be implemented.

**A Notice**

1. As soon as a reduction in force is seriously contemplated, the Superintendent shall notify the President of the Teachers' Association.

For the purposes of this policy, classifications are defined as follows:

K through third grade; fourth through sixth grade; seventh through ninth grade; tenth through twelfth grade. In secondary Schools (grades 7 through 9 and grades 10 through 12), classifications will be defined by major teaching subject areas. For each secondary school, the classifications in each school are further defined according to the courses of study being offered: English, Social Studies, Math, Art, Science, Foreign Language, Business, Home Economics, Physical Education, Vocational Arts, Industrial Arts, Special Education, Music, Alternative Education, Guidance, Library.

- 2 The decision to implement the reduction in force shall be made at the sole discretion of the School Board.

**B Procedures for Determining Reduction in Force**

1. If reductions in staff are necessary or desirable, the Board should retain those teachers who, at its sole discretion, will be the best teachers for the School system and the students it serves.
2. The Board does not condone "bumping". The best teachers shall be retained, regardless of whether the teacher is probationary or not. A teacher with more than three years of employment in the District shall not have the right to displace another teacher with less than three years of service in the School District.

**DATE:****ADOPTED:****REVIEWED:**

February 7, 2006

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**CANCELLATION**

## REDUCTION IN INSTRUCTIONAL STAFF WORK FORCE

(continued)

3. In identifying which teachers to release, the Board shall consider the following factors: certification, academic preparation, professional growth, job performance, experience in certified area and/or job classification, ability, and overall effectiveness. All of the factors being equal, then seniority may be considered in making the final determination. Seniority is defined as the total number of years continuously employed in this School District.
4. There will be no recall rights for terminated employees. However, the School administration shall consider the applications of terminated employees for such positions which may become available in subsequent years provided that said terminated employees submit a seasonable and timely application at the time the position becomes vacant. A previously employed teacher who returns to a teaching position within a three-year period shall resume employment by the District at no less than the step occupied when the teaching position previously held was terminated.
5. Any transfer, assignments, or re-assignments resulting from or involved with a reduction in staff will be made at the sole discretion of the Superintendent. In the event of a change of assignment or transfer as a result of the reduction in force, the teacher involved shall be notified of such change.
6. This reduction-in-force procedure is the only procedure that may be used in a reduction in force. No other personnel action, other than a reduction in force, may be considered under this policy.

**NOTE:** Use only in absence of such a provision in a Collective Bargaining Agreement.

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